

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CESAR AGUSTUS SALLAH, #A72-169-088

Petitioner : _____

v. : Civil Action No. DKC-06-453

CALVIN McCORMICK, et al. : _____

Respondents :00o. . . .

MEMORANDUM

On February 21, 2006, Petitioner Cesar Agustus Sallah, a native and citizen of Gambia, filed this *pro se* petition for writ of habeas corpus challenging his detention while he is subject to an administratively final order of removal based on his conviction in 2002 for the offense of theft under \$500.00 in the Circuit Court for Montgomery County. Paper No. 1 & Paper No. 4, Exhibits A-B. Upon review of the pleadings, the court will dismiss the Petition as moot.

At the time Petitioner filed this application for habeas relief, he was in the custody of the Department of Homeland Security, Bureau of Immigration and Customs Enforcement (“ICE”) and detained at the Wicomico County Detention Center.¹ Paper No. 1. On April 12, 2006, Respondents filed a dispositive motion to dismiss the petition as moot based on Petitioner’s April 11, 2006, release from ICE custody under an order of supervision. Paper No. 4 at 1-2, Exhibit D.

¹In a petition for habeas corpus relief under 28 U.S.C. § 2241, the proper respondent is the “person having custody of the person detained.” See 28 U.S.C. § 2243. Inasmuch as Petitioner was detained at the Wicomico County Detention Center at the time the petition was filed, the proper respondent is the warden of the facility, Warden Douglas C. Davenyns. Accordingly, Respondent’s motion to substitute party respondents Calvin McCormick, Alberto Gonzales, Richard Caterisano, Charles Riccio, and ICE (Paper No. 4) will be granted by separate order.

In his application for habeas relief, Petitioner challenges only his continued detention pending removal, not the administratively final removal order. Paper No. 1. The sole relief sought by is Petitioner's release from ICE custody. Accordingly, Petitioner has already been accorded the relief requested, and the Petition will be dismissed as moot.

May 4, 2006
Date

/s/
DEBORAH K. CHASANOW
United States District Judge